

REMARKS/ARGUMENTS

Claims 1 to 62 are pending. Claims 43, 58, 59 and 62 were allowed. Claims 4-6, 8-29, 33-42, 44-56 and 61 were subject only to an objection. Claims 1-3, 7, 30-32, 67 and 60 were rejected over prior art.

Figures 2 and 5 were objected to on various grounds. The drawings have been corrected in Appendices 1 and 2.

The specification was objected to because of a lack of a Serial Number. This Serial Number and Patent Number have been amended into the specification. The referenced application was filed on the same date as the present application and is commonly owned.

The claims were objected to on various formal grounds. The Applicants have corrected each of the objections. Reconsideration is requested.

Claims 1-3 and 7 were rejected as being unpatentable over Shanks et al. Shanks et al has an external light source (flash lamp 6) and filter 7 for shining light through a wall 4 into liquid 1. A layer of sample 2 is bound to a second wall 2. The light is transmitted to a transparent mirror 10 and is reflected in two paths to sensors 11 and 14. The sample reacts to the light as modified by the liquid. As a result the sample is identified by α as shown in Figure 1.

In amended Claim 1 it has been clear that there

is no external light source outside of the device which is functioning to produce light inside the housing. Applicants' device would not be operative if there was light that leaked into the housing since the chemiluminescent detection of the sample has to be conducted. It would not be obvious to one skilled in the art to provide the device claimed to conduct an assay based upon light generated by the sample and ATP or other consumable from Shanks et al. Reconsideration of this rejection is requested.

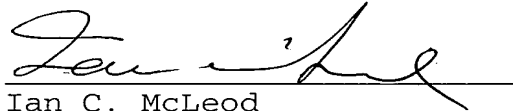
Claims 30 to 32 were rejected as being unpatentable over Collins et al in view of Northrup et al. Collins et al describe a gas sensor with an immobilized chemiluminescent reagent which reacts with the gas to produce light which is detected by photomultiplier tube 22. The light enables greater sensitivity in the detection. Collins et al add the gas while the sensor is detecting. By contrast, Claims 30 to 32 as amended, clearly recite that the chemiluminescent reaction takes place with the sample inside the device and not from a continuous supply of the sample as in Collins et al. Northrup et al describe a heated reaction chamber for a chemical reaction. The ITO in Northrup et al is used for viewing. In Applicants' device the sample is not viewed externally of the device. The ITO is used for minimizing static charge, a completely different use.

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Reconsideration is requested.

It is now believed that Claims 1 to 62 are in condition for allowance. Notice of Allowance is requested. If there are any remaining problems, it is requested that the Examiner telephone Applicants' attorney.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ian C. McLeod", is written over a horizontal line.

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Registration No. 20,931

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APPENDIX 1

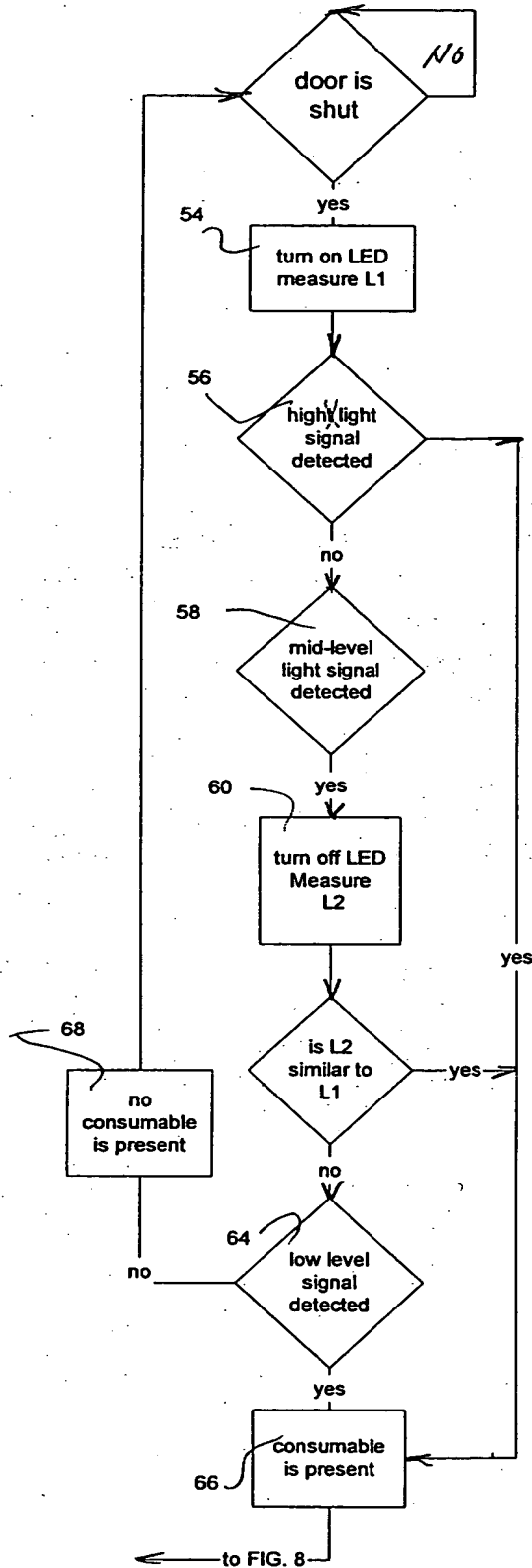
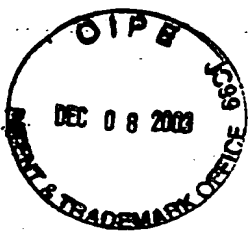


FIG. 5

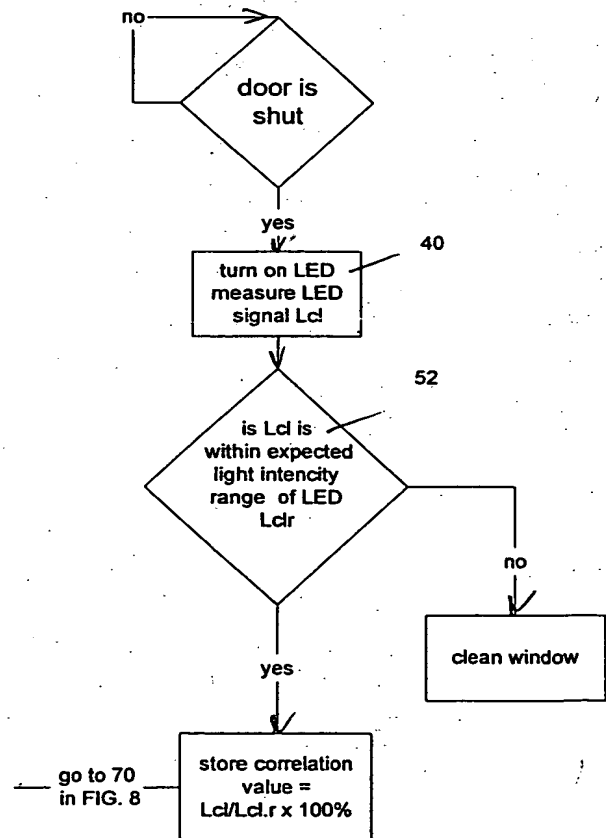
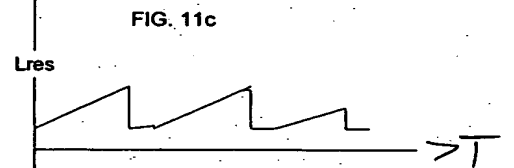
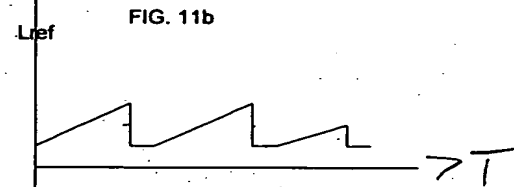
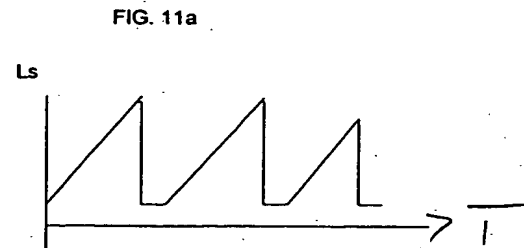


FIG. 4

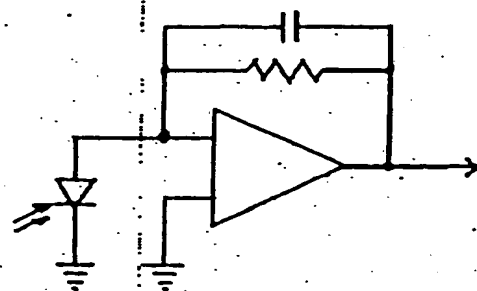
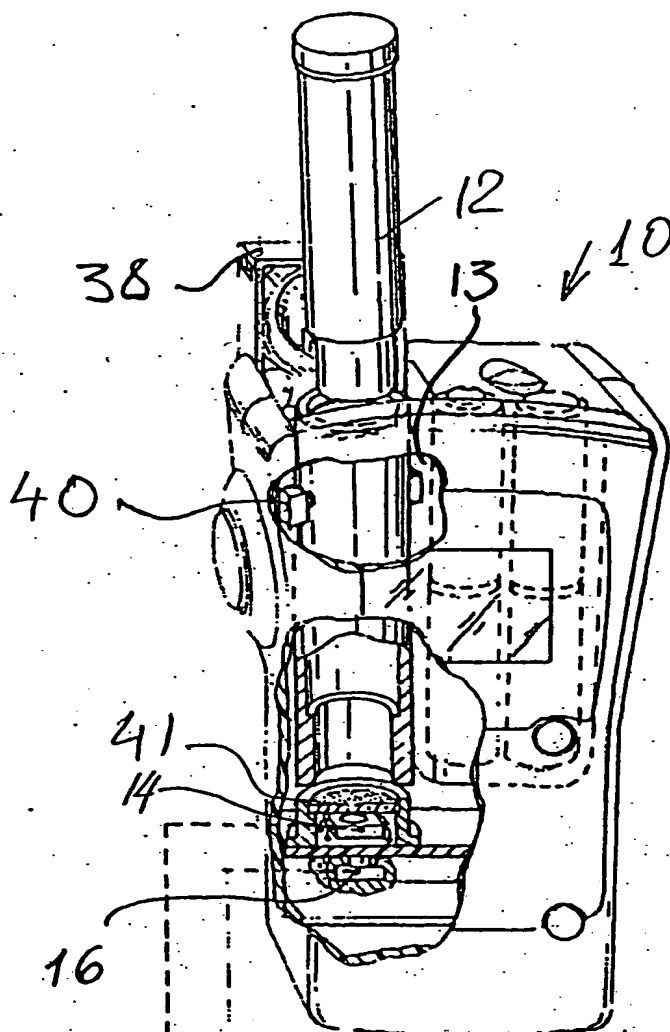
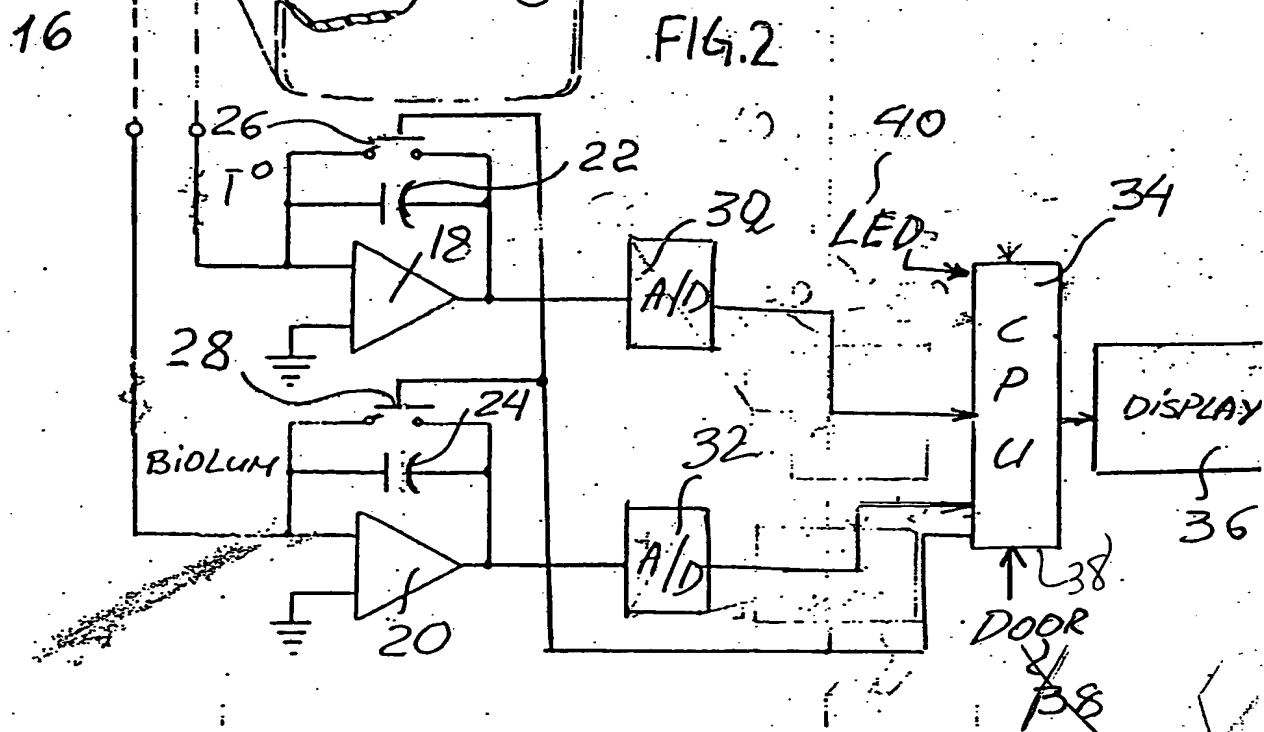


FIG. 1
(PRIOR ART)



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APPENDIX 2

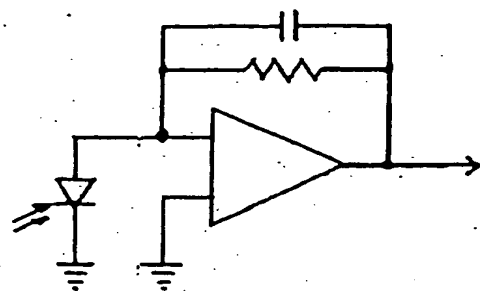
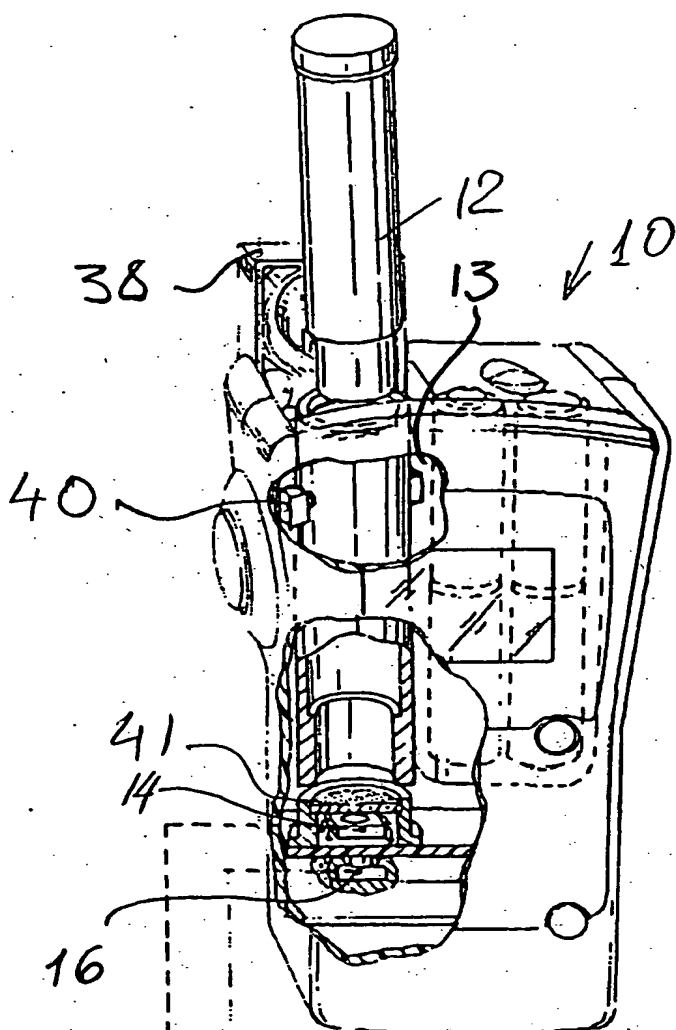
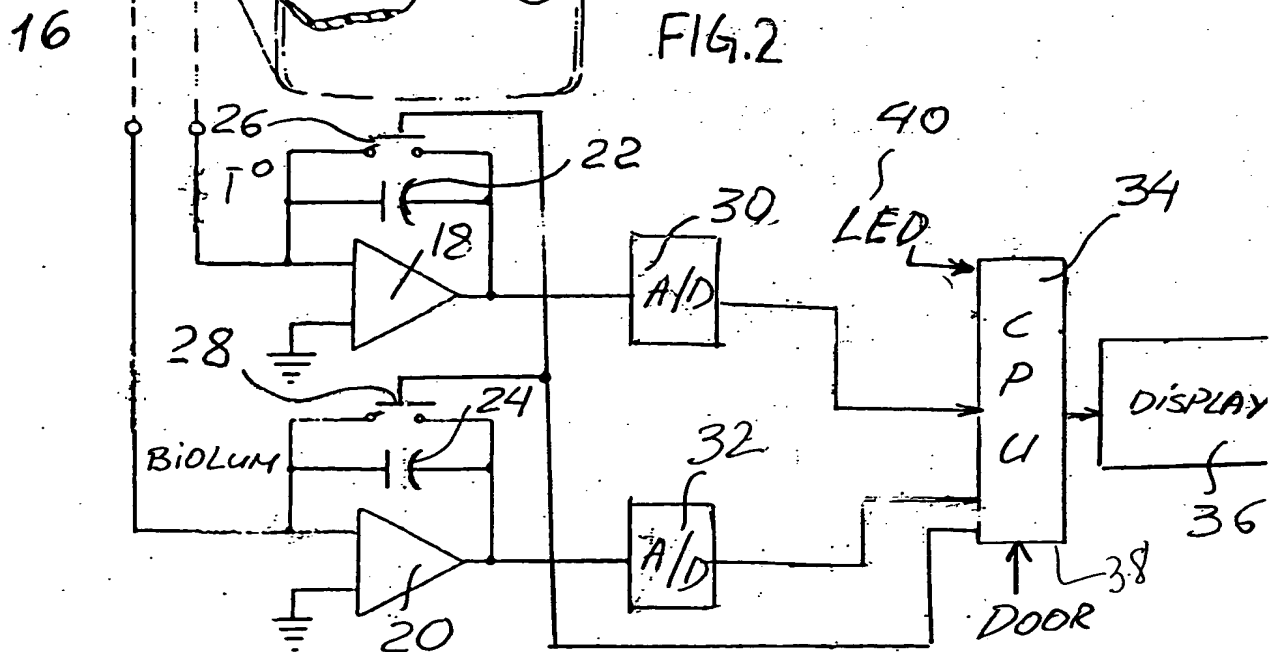


FIG. 1
(PRIOR ART)



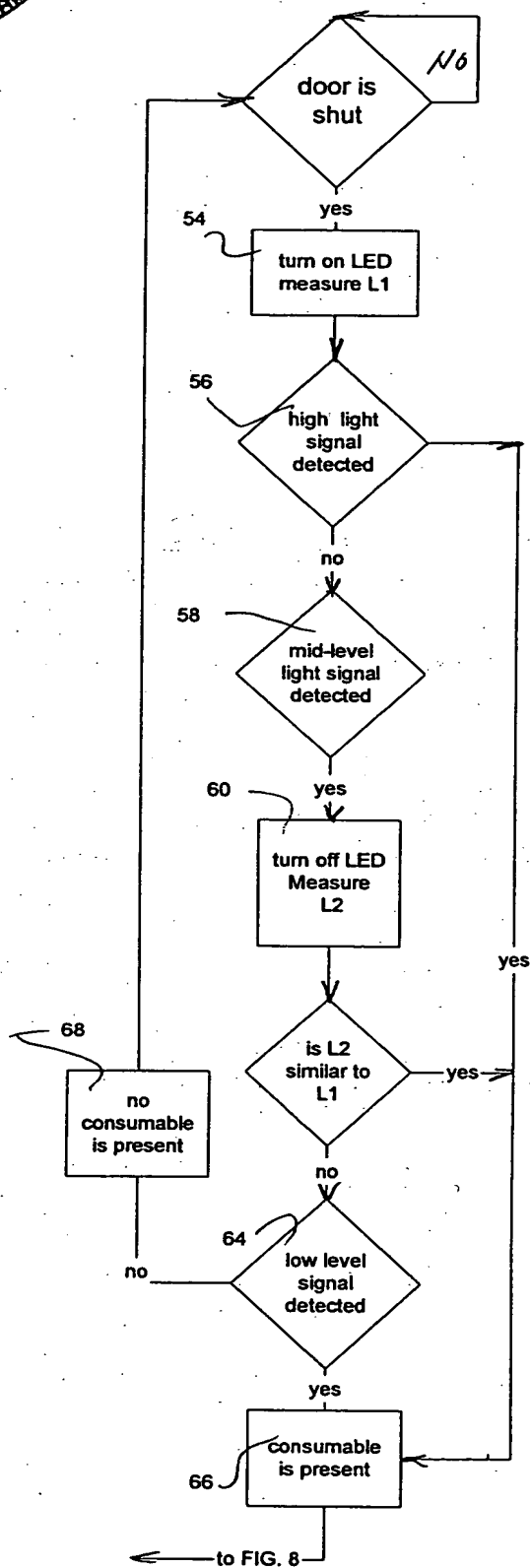


FIG. 5

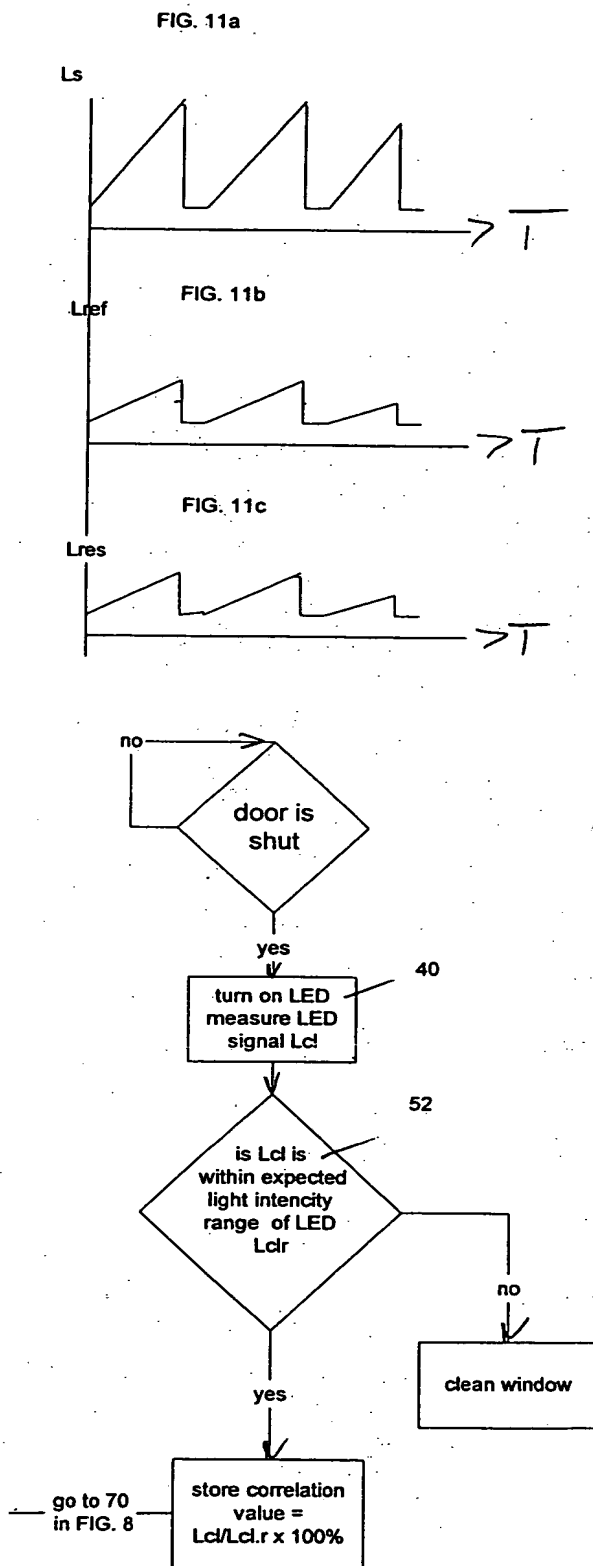


FIG. 4